



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
TAMPA REGULATORY OFFICE
P.O. BOX 19247
TAMPA, FL 33686-9247

Regulatory Division
South Permits Branch
West Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2004-4722-JPF **OCT 07 2004**

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANT: King's Partnership
4110 South Florida Avenue
Lakeland, FL 33813

WATERWAY & LOCATION: The project is located in unnamed wetlands connected to the Alafia River, between Old Highway 60 and Imperial Lakes Boulevard, Section 34, Township 29 South, Range 23 East, Polk County.

Directions to the site are as follows: From Tampa, take State Road 60 east to Bailey Road, take Bailey Road north to Shepherd Road, take Shepherd Road east to Imperial Lakes Boulevard, take Imperial Lakes Boulevard south to end.

LATITUDE & LONGITUDE: Latitude 27°54'39" North
Longitude 82°00'18" West

PROJECT PURPOSE:

Basic: The applicant proposes to construct a residential development.

Overall: The applicant proposes to construct 'Enclave at Imperial Lakes', a single-family residential community with associated amenities within west central Polk County.

PROPOSED WORK: The applicant proposes to permanently impact 0.67 acre and temporarily impact 0.02 acre of freshwater, forested

wetlands. The permanent impact is for an access road for this project and an adjacent project (the Corps verified the adjacent project, Blackwater Oaks, DA File Number SAJ-2004-4723-JPF, under a Nationwide Permit 39). The temporary impact is for a discharge pipe. The applicant proposes to clear, excavate, and then backfill the 0.02-acre area. The area will be backfilled to the original contour and then allowed to revegetate naturally. The applicant did not provide information on other sites that were considered for this project. The applicant has offered the following compensatory mitigation for consideration if it is determined that issuance of a permit is appropriate. The applicant proposes to create 0.70 acre of forested wetlands within a floodplain compensation area to be constructed adjacent to wetland 1, and preserve all 17.92 acres of wetland 2 within the project area. Drawings showing the proposed mitigation are enclosed. The applicant did not explain how wetland 2 would be preserved. The applicant provided a functional analysis using the Uniform Mitigation Assessment Methodology (UMAM) of the project impacts and the mitigation that showed that the project would result in a gain of wetland function.

EXISTING CONDITIONS: The overall project area measures 141.97 acres. The area was mined for phosphate many years ago and is currently used for cattle grazing. There are four wetlands within the project boundaries, totaling 26.51 acres. Wetland 1 is a primarily herbaceous wetland containing sand cordgrass, chain fern, pickerelweed, maidencane, and broomsedge, with a narrow fringe of laurel oak. Wetland 2 is a mature forested hardwood wetland with an interior stream component, containing laurel oak, sweet gum, and American elm in the canopy and chain fern and saw palmetto in the understory. Wetland 3 is a forested wetland that contains primarily laurel oak. Wetland 4 in general is a mature forested system that is a stream and stream floodplain, with laurel oak, American elm, sweet gum, swamp tupelo, cabbage palm, and pop ash in the canopy and chain fern in the understory. The 0.67-acre impact area in wetland 4 is a disturbed area vegetated by wax myrtle, elderberry, saltbush, pennywort, primrose willow, slash pine, laurel oak, Carolina willow, dog fennel, chain fern, Caesar weed, and American elm. The applicant claims that wetlands 1 and 3 are isolated wetlands.

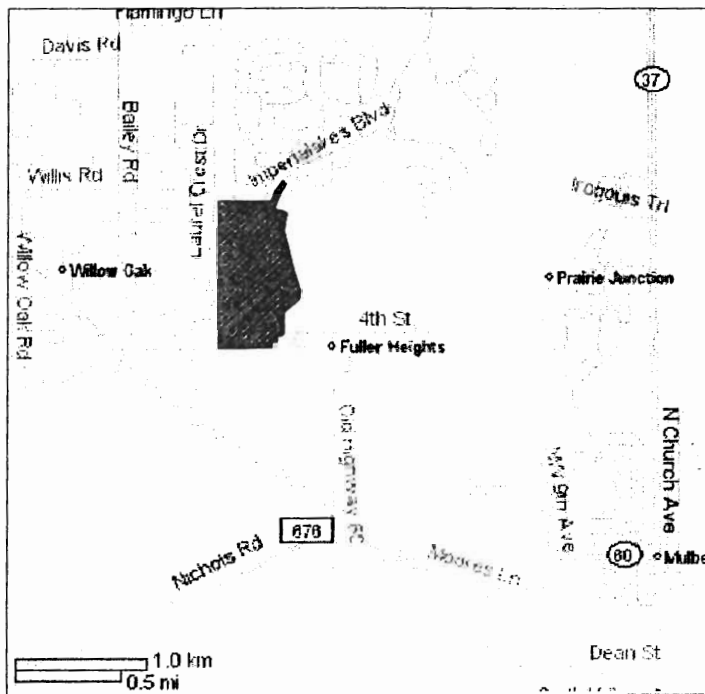
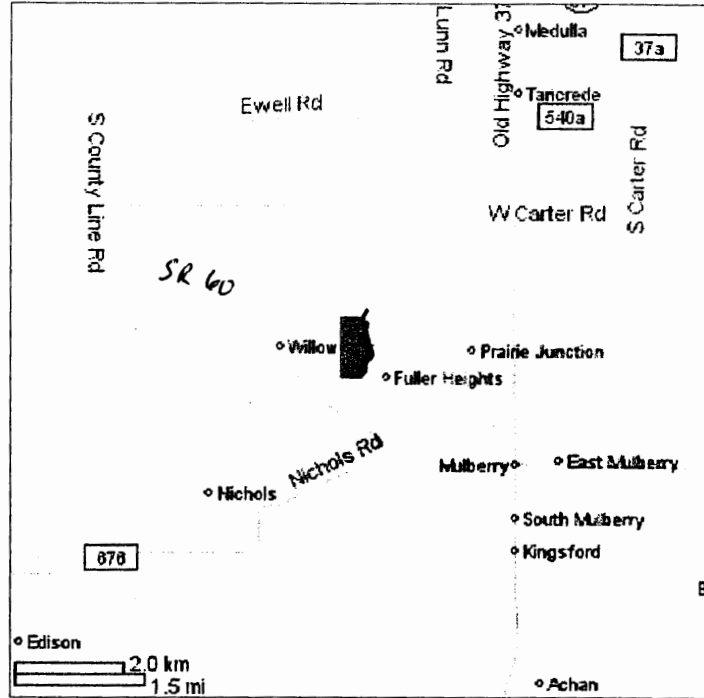
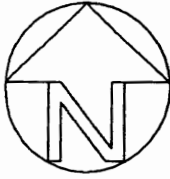
Endangered Species: The U.S. Army Corps of Engineers has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified. The jurisdictional line has not been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the State Department of Environmental Protection and/or one of the state Water Management Districts. The Southwest Florida Water Management District is reviewing Environmental Resource Permit application number 44026944.000.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice.


If you have any questions concerning this application, you may contact John Fellows at the letterhead address, by electronic mail at john.p.fellows@saj02.usace.army.mil, by fax at (813)840-2123, or by telephone at (813)840-2908, ex. 230.

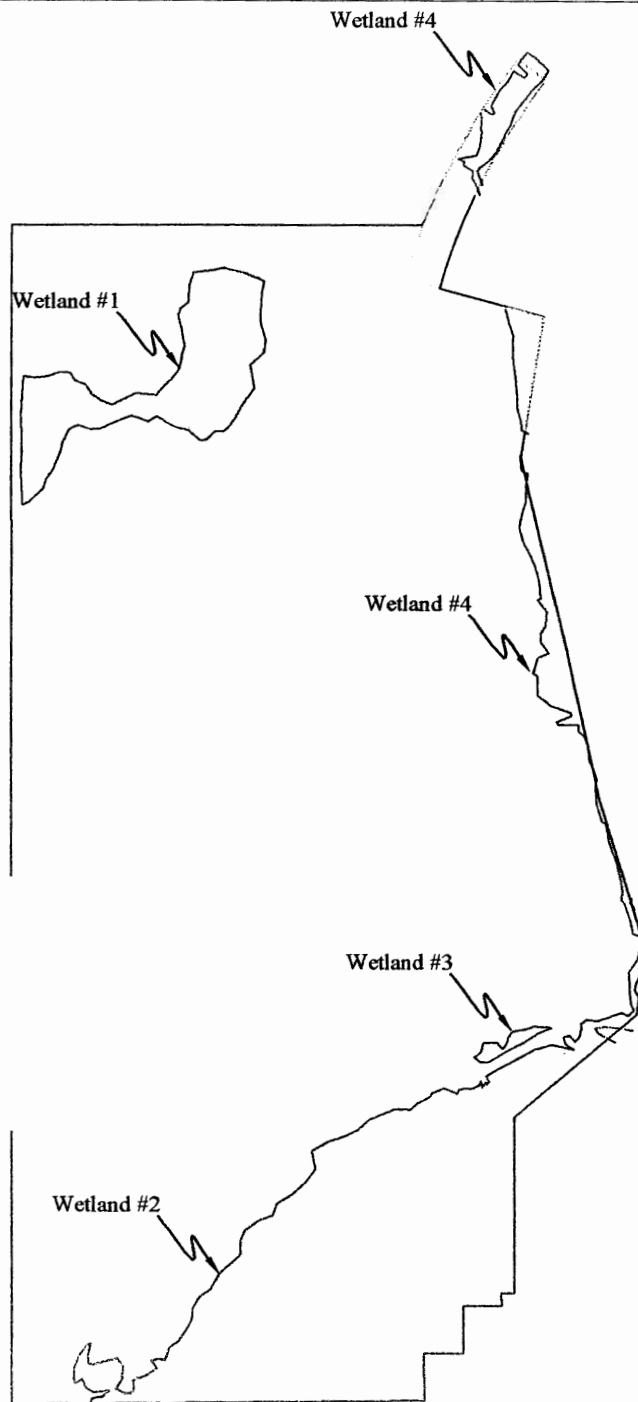


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King's Partnership
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DATE: 8-23-04	SCALE: N.T.S.
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PREPARED FOR: U.S ARMY CORPS OF ENGINEERS	

FIGURE 1: LOCATION MAP
- ENCLAVE AT IMPERIAL LAKES -
 SECTION 34, TOWNSHIP 29 SOUTH, RANGE 23 EAST
 POLK COUNTY, FLORIDA

PREPARED BY:

HORNER ENVIRONMENTAL
PROFESSIONALS, INC.
 4140 HAY ROAD
 LUTZ, FLORIDA 33559
 TEL: 813-907-9500
 FAX: 813-907-5899



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DATE: 8-23-04	SCALE: 1" = 600'
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FIGURE 4: WETLAND LOCATIONS
- ENCLAVE AT IMPERIAL LAKES -
SECTION 34, TOWNSHIP 29 SOUTH, RANGE 23 EAST
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IMPACT AREA #1
(PERMANENT)
AREA=0.67 AC.

IMPACT AREA #2
(TEMPORARY)
AREA = 0.02 AC.

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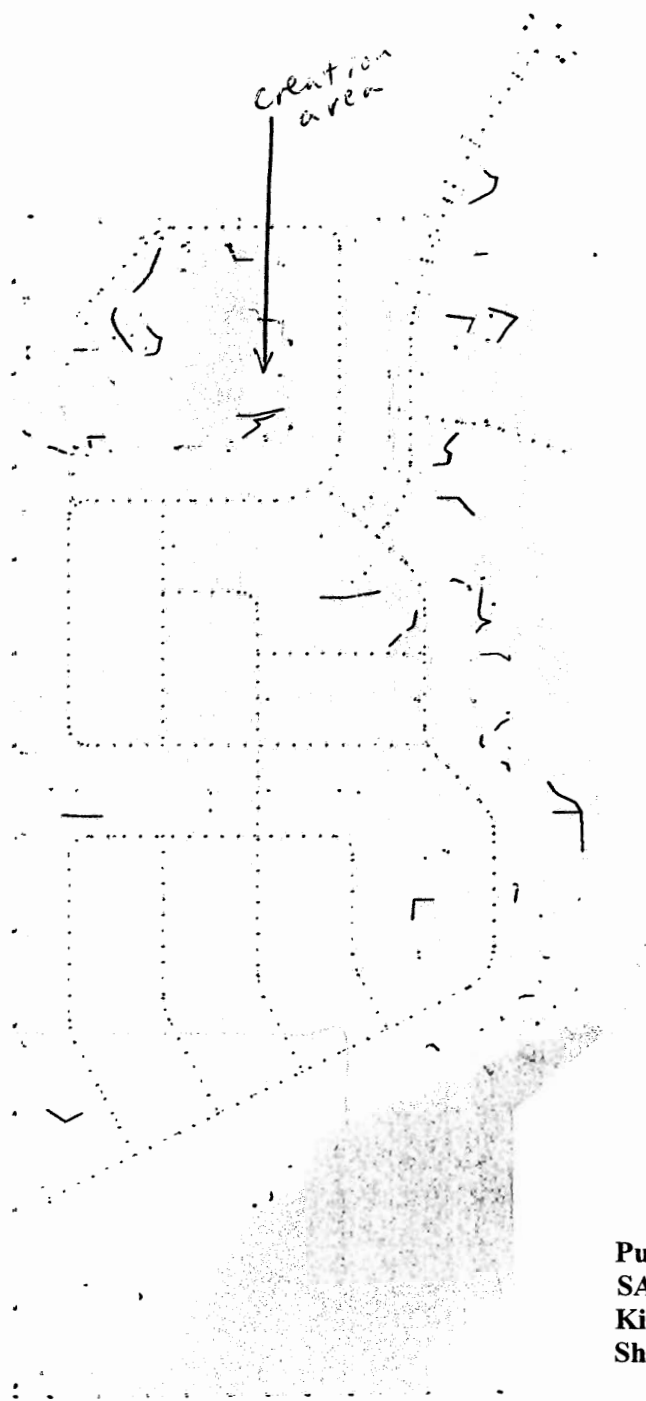
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FIGURE 5: IMPACT LOCATIONS
- ENCLAVE AT IMPERIAL LAKES -
SECTION 34, TOWNSHIP 29 SOUTH, RANGE 23 EAST
POLK COUNTY, FLORIDA

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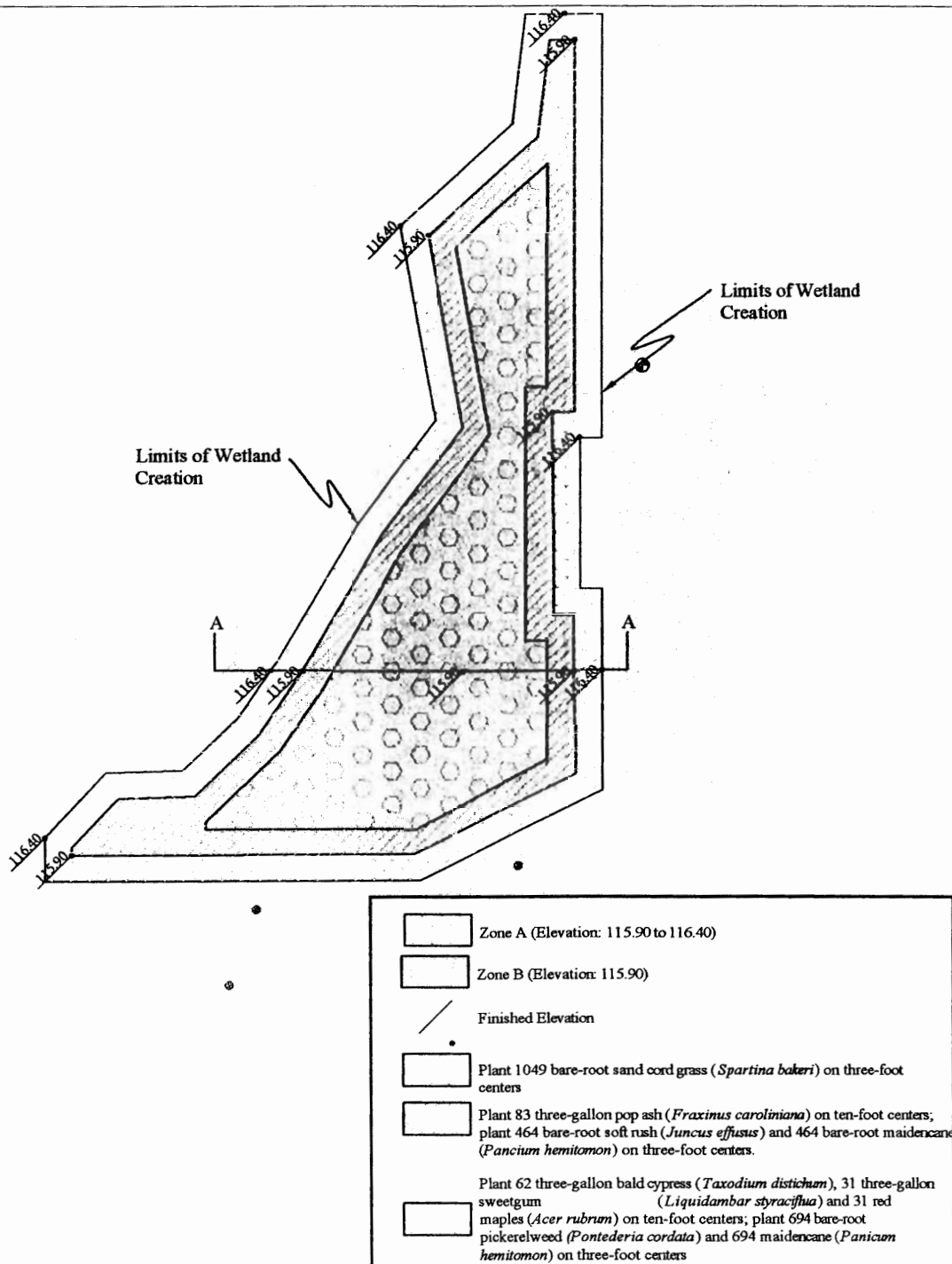
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FIGURE 6: CREATION AND PRESERVATION LOCATIONS
- ENCLAVE AT IMPERIAL LAKES -
SECTION 34, TOWNSHIP 29 SOUTH, RANGE 23 EAST
POLK COUNTY, FLORIDA

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DATE: 8-23-04	SCALE: 1" = 65'
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**FIGURE 7: MITIGATION AREA #1
PLANTING PLAN
- ENCLAVE AT IMPERIAL LAKES -
SECTION 34, TOWNSHIP 29 SOUTH, RANGE 23 EAST
POLK COUNTY, FLORIDA**

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IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.


John R. Hall
Chief, Regulatory Division